

Issues Raised by Shoreline Panel

October 6, 1999 meeting

- ✓ The 50-foot wide corridor may prevent the future construction of septic systems to serve residential uses;
- ✓ Whether the five shoreline environment designations accurately represent the character of the particular area
- ✓ The terms for each designation may need to be revised to improve clarity
- ✓ Whether going from 40 to 50 feet for the Open Space designations is an appropriate distance;
- ✓ What is the effect of the Master Plan revisions on properties with direct river access
- ✓ Policy 5.11 from the Comprehensive Plan contradicts the shoreline designations discussed in the draft Shoreline Master Plan

October 21, 1999 meeting

- ✓ Separate Urban-Open Space and Open Space designations may not be appropriate due to their similarity
- ✓ Graphics expressing different Environmental Designations will improve plan's clarity
- ✓ Continued reference to distance of each Environmental Designation throughout document may improve clarity
- ✓ Section 6.1 should be clarified to express that underlying zoning requirements outside the shoreline are applied to the portions of the development outside the shoreline
- ✓ Subpart A from Sections 6.2-6.4 should strike term "requirements" and add words "purpose" and "criteria", expressed in Section 4.3 that establish Environmental Designations
- ✓ Permitted and Conditional Uses detailed in Sections 6.2-6.4 should be checked to match underlying zoning requirements and intent of each Environmental Designation
- Incorporating RCW 90.58.020 in the plan, in Section 8.1, may limit the city's ability to spend additional time updating local shoreline requirements, if the intent of including the RCW is to ensure that the document immediately complies with any changes adopted by the State
- Definitions of Floodplain, frequently flooded areas or highly erodible areas, included in Section 8.2(E) would be helpful
- Definitions of native vegetation would improve Section 8.3(B)
- Section 8.5 concerning Archaeological, Cultural and Historical Resources may not need to be as extensive as proposed.

EXHIBIT 50 DATE 10/15/08
PROJECT NAME Smp Update
FILE NO 206-088

November 18, 1999 meeting

- ✓ Section 9.1A will not allow parking facilities between the river and a building. This may force buildings to be located closer to the river than they would otherwise. More specific landscape standards, use of berms may reduce any negative visual and environmental impacts.
- ✓ Section 9.1D should be changed from 60 feet to 50 feet, to be consistent with the environmental designations
- ✓ Section 9.1F may require sidewalks on easements when the easement areas should not have pedestrian activity or may not be located on the site where pedestrians are likely to use facility (for example, an easement that is used for fire access shouldn't have a pedestrian path along side)
- ✓ Expand definition of 'vegetative screen' in Section 9.1H
- Section 10.1 should be revised to specifically indicate that the amount of landscaping buffer is dependant on the scope and scale of the proposed development
- ✓ The words 'immediate' or 'abut' should be substituted in Section 10.1E instead of 'adjacent to the river'
- ✓ The ratio to replace required landscaping for riverbank restoration in 10.G. should be changed from 1:2 to 1:1.5
- ✓ Section 11.1C should be changed from 60 feet to 50 feet, to be consistent with the proposed Environmental Designations
- ✓ Section 11.1 E may be more appropriately located in the section on the MIC since the river is not navigable south of the Turning Basin.
- ✓ The term 'River Access' should be defined in Section 11.1F
- ✓ Staff should confirm Fire Department requirements for Incidental Hazardous Material Storage (11.1 G)
- ✓ Parcels that have unusual shapes, more than one side exposed to the shoreline or other features may be negatively impacted by Section 11.1H. More standards pertaining to screening may resolve issue.
- ✓ The Urban-Open Space Designation should be added to Section 11.1I

- ✓ Height limit may be more appropriate for commercial development due to construction methods
- ✓ The proposed lot coverage maximum in 11.3 A-C should indicate that impervious surfaces are included in calculation
- ✓ Staff should look at Section 11.5 and compare what other jurisdictions require for screening of service yards and outdoor storage
- The design review for shoreline projects should be administrative rather than requiring a public hearing before the Planning Commission.

December 2, 1999 meeting

- ✓ Section 12.1 will be changed to have the minimum setback at 50 feet, not 40, to be consistent with the proposed Environmental Designations.
- ✓ Section 12.2 A will be changed to show that the height limit of 15 feet applies to the first 50 feet from the OHWM, and that the 40 foot height limit should be revised to read 51-60 feet from the OHWM. The term "of its area" refers to on-site improvements including paved areas.
- ✓ Section 12.2 B reflects discussions in the MIC plan that specifically allows existing nonconforming buildings to increase their height as long as any existing nonconformity is not expanded.
- ✓ Section 13.1 E, the setback for residential properties from the OHWM should stay at 40', despite existing flood control zone requirements that result in setbacks being approximately 100 feet.
- ✓ On 13.1 E, the measurement should be taken from the OHWM.
- ✓ Section 13.2, the residential setback should be revised to 40 feet; the allowed size of a fishing shed should be reduced to 25 sq. ft.
- ✓ Members inquired on how the City deals with requirements on underwater parcels.
- ✓ Floating homes are not permitted.
- ✓ Page 43, 8.4, includes the same language as under 15.3.C, that is proposed for deletion. Should this language (8.4) be deleted too?

December 8, 1999 meeting

- ✓ Section 16.1: it was recommended that the zoning district TVS (Tukwila Valley South) and the Urban Environmental Designation be added to the commercial properties that are exempt from public access.
- ✓ The Panel supported deleting Section 16.1.B.
- ✓ The Panel revised Section 16.1.C to read: "If 16.1.A applies to a development, a plan must be submitted that provides at least one public access feature from each of the following categories:"
- ✓ Under Section 16.1.C, 1-3: several of the bullets establish a minimum square footage requirement. The Panel deleted references to required minimum square footage
- ✓ Under Section 16.1.C.2., the Panel revised the first bullet to read "Exposed building face dedicated to window area facing the river."
- ✓ Under Section 16.1.C.2, the Panel revised the last bullet to read: "Breezeways through or between building or building orientation with views of river."
- ✓ Under Section 16.1, the Panel deleted items D, E, F, and G. The shoreline design guidelines will address these issues.
- ✓ Under 16.1.H., the Panel would like language added to provide the alternative to bond for installation of the public access within 90 days, if the required public access can't reasonably be provided prior to time of building occupancy.
- ✓ Under 16.1.J., the Tukwila Valley South zone should be added to the zones that are exempt from providing amenities for the general public.
- ✓ Under 16.2.A, the Panel added "In areas identified for trail connections," to the beginning of the sentence.
- ✓ Under 16.2.B, the Panel revised this to read "In all cases, where public access is not provided along the river in areas identified for trail connections, access shall be provided...." (phrase in bold is added to this section)
- ✓ 16.3.A was revised to read as follows: The development of 4 or fewer single-family lots is exempt from the above public access requirements.
- ✓ 16.3.B was revised to add the word "public" in front of boat ramps and viewing platforms.

- ✓ 16.5 A, 1 was revised to read (new wording in bold) "Unavoidable health or safety hazards to the public related to the use exists which cannot be prevented by any practical means."
- ✓ The Panel deleted item 4, under 16.5.A.
- ✓ A new item "C" was added to 16.5 to read: "Any exemptions require a Type 2 decision, pursuant to TMC 18.104."
- ✓ 17.1.A. was deleted by the Panel.

There was a great deal of discussion about requiring public access onto private property. The following issues emerged:

- How is the requirement to provide off-site mitigation of 1.5:1 ratio to be implemented?
- Is it fair to require a property owner to comply with the off-site mitigation if the City has no way to implement the requirement?
- Could there be a mitigation bank that a property owner could pay into rather than providing off-site mitigation?
- There should be a distinction made between requiring existing property owners to comply with the mitigation and applying the mitigation requirement to a new property owner who buys the property knowing about the mitigation requirement and therefore has factored that requirement into their development plans
- Language is needed that addresses how a change of use in the MIC, away from current uses (such as conversion of Boeing property to a different use) to then allow the requirement of public access onto the site.
- What are the thresholds for the items under 16.1.C 3 and 4? These need to be established.
- Based on the language of 16.1.I, staff was requested to provide examples of public access easements that have been altered. The Panel was concerned about locking in access easements that the need for or configuration of might need to change if the property changes hands and a different use is established on the site.
- Are land divisions exempt from the Shoreline Management Act?

December 15, 1999 meeting

- ✓ Section 17.1.B.: The Panel revised the phrase "one planting season" to read "All disturbed areas subject to erosion shall be replanted with erosion control plantings and with native vegetation where the riverbank has been disturbed. Such work shall be completed at the earliest practicable time, but no later than 180 days unless there are extenuating circumstances. The Director may approve an extension of up to 90 days subject to bonding."
- ✓ Regarding bonding, there should be a system to track bonds to ensure the work is completed and money returned to bondee.
- ✓ The Panel struck Section 17.2; as dredging activities are controlled by the Army Corps of Engineers.
- ✓ Under the introductory paragraph to Recreational Facilities, "pathways" was struck from line 2. The last sentence was revised to read: "In addition, recreational facilities shall meet the following standards:"
- ✓ The Panel revised 18.1 A. to read "Public recreational facilities shall provide public access to the water's edge wherever feasible and appropriate".
- ✓ The Panel revised 18.1.B. to read "Recreational facilities that abut the Green River and/or Interurban Trail systems shall connect to any existing trail system along the river."
- ✓ The term "recreational facilities" should be defined in the Definitions section.
- ✓ The introductory paragraph in Section 18.2 was revised as follows "Recreational facilities shall provide for connections to other shoreline recreational facilities as follows:"
- ✓ Section 18.2.A. was revised to read as follows: "Recreational facilities that abut the Green River Trail or the Interurban Trail shall provide for future pedestrian connections to the Trail."
- ✓ Section 18.2.B was stricken.
- ✓ Under Section 18.3 A., the word "development" was changed to "facilities." And under #4, the phrase "or natural areas" was deleted from the end of that sentence.
- ✓ Panel members concluded that Section 18 deals with transportation issues; Michael will review this Section and consider whether it can be incorporated into Section 16, which addresses Public Access.
- ✓ The language for Section 19.2 was moved to Section 19.1 as the new subpart "A.", with the revised language to read: "Commercial/Industrial marinas and dry docks

shall be located no further upstream than the Turning Basin #3." The remaining items under 19.1 were re-lettered.

- ✓ The new Section 19.1. B. was revised to read: "A commercial storage facility with no on-site launching facilities is considered a non-water related use."
- ✓ Section 19.3, is renumbered to be 19.2.
- ✓ The Panel discussed Section 19.2 A. and what the term "enclosed" means and the purpose of prohibiting these.
- ✓ Are private single piers a problem? The Panel questioned whether this policy is needed:
- ✓ The Panel asked that staff review Sections 19 and 20 and that a revised version be provided to them for review prior to the next meeting.

January 12, 2000 meeting

- ✓ Chapter 16 should be reviewed by the City Attorney to ensure there aren't taking issues with the public access standards.
- ✓ Under 16.1 A, why should the multiplier for off-site mitigation be 1.5:1 rather than 1:1 – it seems that the property owner is being penalized. There are 2 issues:
 - Fairness: If through no fault of the property owner that they can't put a trail on-site, why should they be penalized by having to provide 1.5:1 off-site?
 - There should be a definition of the term "feasible" – how do you know what is or is not feasible? And shouldn't there be an economic balance done? Again, if it isn't feasible to put in the trail due to physical constraints on the site, the property owner shouldn't be penalized.
- ✓ Under 16.1 B, the second sentence is revised to read: The amount of the payment would be 150% of the value of materials, labor and any other costs associated with the (proposed mitigation) cost of compliance. (new text underlined)
- ✓ Under 16.1 B, how is the 150% determined? Is it based on a flat site? How is this defined?
- ✓ Under 16.1 E, a new sentence was added at the end to read: "Upon redevelopment, the easement may be relocated to facilitate the continued public access to the shoreline."
- ✓ Section 16.2, Development within MIC was deleted.
- ✓ Section 16.3 is renumbered to 16.2, Single Family Residential Development. Why should short plats of 4 lots be treated differently? What kinds of public access requirements are there for single family development?

- ✓ Under 16.3 B, City-Owned Shorelines, in the first sentence, the word "public" should be added in before the phrase "right-of way." (Unimproved public right-of-ways and portions of public right-of-ways, such as street ends and turnouts shall be dedicated to public uses until such time as the portion becomes improved public right-of-way.)
- ✓ Under 16.4 A, the following should be added back as item 4 under this section: "Unacceptable environmental harm which cannot be adequately mitigated will result from the public access."
- ✓ Under 16.5, the title of this section should be revised to "Public Access at City-Owned Recreational Facilities" and in sections A, B, C and D, wherever the term "public" precedes the phrase "recreational facilities", it should be changed to "City-owned".
- ✓ Section 21, Agriculture, B was revised to read: "Fertilizers, pesticides, herbicides and other chemicals used in agriculture cannot be directly discharged into the river."
- ✓ Section 21 C was revised to read: "Livestock, livestock manure and manure spreading shall be kept a minimum of 100 feet from the OHWM."
- ✓ Section 21 D was revised to read: "Livestock waste shall be disposed of in a manner that will prevent surface or groundwater contamination."
- ✓ Section 22, Aquaculture, the second sentence was revised to read: "Aquaculture within or north of the "turning basin" requires a Conditional Use Permit."
- ✓ Under Section 24, "Signs and Lighting", should be revised to delete 24.1, Sign Height, 24.2 (B-D) and 24.3, Permitted Signs.
- ✓ Section 24 the lighting criteria under 24.4, "Signs and Lighting" should also be used in lieu of Section 11.4, "Lighting" on page 50.

January 26, 2000 meeting

The panel made revisions to the following definitions:

- Applicant
- Buffer
- Building
- Bulkhead
- Clearing
- Commercial Development
- Development
- Exemption
- Fair Market Value
- Feasible
- Groundcover
- Landscape Buffer
- Landscaping
- Levee
- Master Program

- Mean High Water Mark
- Mixed-use development
- Open Space
- Port
- Public Access

February 2, 2000 meeting

The panel made changes to the following definitions:

- Revetment
- Riprap
- Riverfront Lot
- Riverfront Park
- Riverfront Road
- Road
- Sensitive Area and Sensitive Area Buffer
- Shoreline Zone
- Shoreline of Statewide Significance
- Sign, public service
- Significant Tree
- Site
- Site Plan
- Slope
- Stand of Trees
- SMP
- Structure
- Subdivision
- Substantial Development
- Truck maneuvering area
- Understory vegetation
- Unique and fragile areas
- Upland
- Urban
- Urban Environment
- Urban Open Space Environment
- Use
- Utilities
- Variance
- Water-dependant use
- Water-enjoyment use
- Water-oriented use
- Water-related use